

**FILED**  
 OCT - 3 2012  
 Clerk, U.S. District & Bankruptcy  
 Courts for the District of Columbia

MICHAEL K. CIACCI  
 1514 Eighth St, Plaintiff,  
 N.W.  
 Wash. D.C. 20001 V.

UNITED STATES  
 DEPARTMENT OF EDUCATION  
 FAMILY POLICY COMPLIANCE OFFICE;  
 SECRETARY ARNE DUNCAN  
 Defendant.

COMPLAINT;  
 DAMAGES AND  
 JURY TRIAL  
 DEMAND

Case: 1:12-cv-01643  
 Assigned To : Huvelle, Ellen S.  
 Assign. Date : 10/3/2012  
 Description: FOIA/Privacy Act

Clerk, U.S. District & Bankruptcy  
 Courts for the District of Columbia

**RECEIVED**  
 AUG 22 2012

Plaintiff has standing to bring this complaint pursuant  
 28 U.S.C. section 1331, 1332; Federal Rules of Civil Procedure  
 Rule 3, 7.

Plaintiff executed Family Educational Rights and Privacy  
 Act (F.E.R.P.A.) request on April 26, 2011 (received) by  
 certified mail on defendant to obtain plaintiff's student  
 employment records while attending internship undergraduate  
 course at both the Hawaii State Senate and the University of  
 Hawaii at Manoa; plaintiff's services subcontracted to the Hawaii  
 State Senate through (from) the university's Outreach College;  
 20 U.S.C. Section 1232g, 34 C.F.R. Sections 97-99.

Plaintiff requested copies of records be sent by both  
 postage mail and email correspondence in the event plaintiff's  
 residence using proper format of request for such records, sent  
 to the U.S. Dept. of Education Family ~~Policy~~ Policy Compliance  
 Office (FPCO) address found in Title 34 Code of Federal  
 Regulations.

The U.S. Dept. of Education FPCO denied plaintiff's FERPA  
 request in a May 26, 2011 letter; gave reason that FPCO  
 is not the proper federal agency venue to seek and  
 request plaintiff's student employment records. The letter's

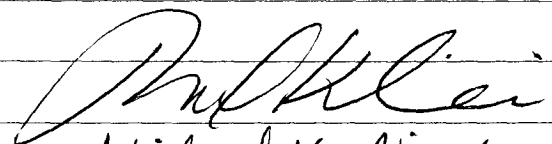
explication runs contrary to specified statutory language in Federal Code. (see Exhibit ~~11A~~)

Therefore, plaintiff request this Court compel defendant produce above mentioned and FERPA requested records, and otherwise perform duties, stipulated in 34 C.F.R. Sections 97-99 in correlation with 28 U.S.C. section 1232g, owed plaintiff pursuant 28 U.S.C. section 1361 and 42 U.S.C. § 2000a.

Damages requested in amount to be determined and Jury Trial demanded pursuant Federal Rules of Civil Procedure Rule 38, Rule 8.

Under penalty of perjury the foregoing is true and correct.

Executed: August 16, 2012



Michael K. Ciacci  
1514 Eighth Street, NW  
Washington, D.C. 20001  
202-232-1932  
ciacimichael@yahoo.com



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF PLANNING, EVALUATION AND POLICY DEVELOPMENT

MAY 26 2011

Dear Sir or Madam:

This letter is in response to the correspondence you sent to the U.S. Department of Education, Family Policy Compliance Office (FPCO). FPCO administers the Family Educational Rights and Privacy Act (FERPA), which affords parents and eligible students certain rights with regard to education records. Upon review of the information you provided, it does not appear that FERPA is applicable to your concerns.

Enclosed for your reference are a FERPA guidance document and a complaint form. If, after carefully reviewing the guidance document, you believe you do have a timely allegation of a school's failure to comply with your rights under FERPA, please complete the complaint form and return it to FPCO at the following address:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202 - 8520

Along with the complaint form, please also include the relevant back-up documentation, such as written correspondence received from the school in response to your concern. Please help us assist you in a more timely manner by outlining the relevant facts clearly and succinctly. Please ensure that any handwritten documentation is legible and easy to understand. We will review the information you submit and take any appropriate action.

You may also find more information regarding FERPA on our website at:  
<http://www2.ed.gov/policy/gen/guid/fpco/index.html>.

Please note that due to the large amount of correspondence FPCO receives, we currently have a backlog we are working to resolve. However, your concerns are very important to us and, once we receive additional information, one of our caseworkers will provide you with a response as soon as possible.

Thank you for your patience and understanding.

Sincerely,

*Ellen Campbell*  
Ellen Campbell  
Acting Director  
Family Policy Compliance Office

12 1643

Enclosures

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EXHIBIT A

USCA Case #11-5257 Document #1339311

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Student No. 15214149  
Date of Birth 13-MAR

Date Issued: 03-MAR 2011

UNOFFICIAL Page 1

Record of Michael Kekoa Ciacchi  
12721 Gilmore Avenue  
Los Angeles, CA 90066

Issued To: FERPA Request

Course Level: Undergraduate

Degree Awarded: Bachelor of Arts 16-MAY-2009

Major: Political Science

Inst: Honors Honors

SUBJ NO COURSE TITLE CRED GRD PTS R

SUBJ NO COURSE TITLE CRED GRD PTS R

Transfer Information continued.

Ehrs: 6.00 GPA-Hrs: 0.00 QPts: 0.00 GPA: 0.00

TRANSFER CREDIT ACCEPTED BY THE INSTITUTION.

INSTITUTION CREDIT.

Fall 1998 Santa Monica College  
Ehrs: 0.00 GPA-Hrs: 0.00 QPts: 0.00 GPA: 0.00

Term: Fall 2007  
POL 317 International Law 3.00 A+ 12.00  
POL 322 American Foreign Policy 3.00 A+ 12.00  
POL 374 Law, Politics and Society 3.00 A 11.10  
POL 390 Political Inquiry & Analysis 3.00 A 12.00  
Ehrs: 12.00 GPA-Hrs: 12.00 QPts: 47.10 GPA: 3.92

Spring 1999 Santa Monica College  
Ehrs: 3.00 GPA-Hrs: 0.00 QPts: 0.00 GPA: 0.00

Spring 2000 Santa Monica College  
Ehrs: 0.00 GPA-Hrs: 0.00 QPts: 0.00 GPA: 0.00

Spring 2001 West Los Angeles College  
Ehrs: 1.00 GPA-Hrs: 0.00 QPts: 0.00 GPA: 0.00

Spring 2003 U of Hawaii Windward Comm Col  
Ehrs: 6.00 GPA-Hrs: 0.00 QPts: 0.00 GPA: 0.00

Term: Spring 2008  
HIST 378 History of American Business 3.00 A 12.00  
HON 495 Introduction to Research 3.00 CR 0.00  
POL 305 Global Politics/Comparative 3.00 A 11.10  
POL 337 American Political Theory 3.00 A+ 12.00  
Ehrs: 12.00 GPA-Hrs: 9.00 QPts: 35.10 GPA: 3.90

Fall 2003 U of Hawaii Kapiolani Comm Col  
Ehrs: 12.00 GPA-Hrs: 0.00 QPts: 0.00 GPA: 0.00

Term: Fall 2009  
HON 496 Senior Honors Project 3.00 B 9.00  
LATN 101 Elementary Latin 3.00 A 12.00  
OCN 310 Global Environmental Change 3.00 B 9.00  
POL 337 Political Philosophy & Theory 3.00 A 11.10  
POL 335 American Politics 3.00 A 12.00  
POL 404 Senior Thesis 5.00 B 18.00  
Ehrs: 21.00 GPA-Hrs: 21.00 QPts: 71.10 GPA: 3.89

Spring 2004 U of Hawaii Kapiolani Comm Col  
Ehrs: 3.00 GPA-Hrs: 0.00 QPts: 0.00 GPA: 0.00

Summer 2006 U of Hawaii Kapiolani Comm Col  
Ehrs: 6.00 GPA-Hrs: 0.00 QPts: 0.00 GPA: 0.00

Fall 2006 U of Hawaii Kapiolani Comm Col  
Ehrs: 13.00 GPA-Hrs: 0.00 QPts: 0.00 GPA: 0.00

Spring 2007 U of Hawaii Kapiolani Comm Col  
Ehrs: 11.00 GPA-Hrs: 0.00 QPts: 0.00 GPA: 0.00

Term: Spring 2009  
Degree Conferred 05/16/09  
HON 496 Senior Honors Project 3.00 A 12.00  
POL 399 Directed Reading and Research 3.00 A 11.00  
POL 404 Legislative Institutions 3.00 A 11.10  
SOC 196 Issues in Soc Student Councils 3.00 A 11.10  
Ehrs: 12.00 GPA-Hrs: 12.00 QPts: 47.10 GPA: 3.92

Summer 2008 U of Hawaii Kapiolani Comm Col  
\*\*\*\*\* CONTINUED ON NEXT COLUMN \*\*\*\*\*

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